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OFFICE OF PETITIONS

In re Application of
Monia et al.
Application No. 09/575,554
Filed: May 22, 2000
For: ANTISENSE OLIGONUCLEOTIDE
INHIBITION OF RAS

:
:
: Corrected
: Letter Regarding
: Extension of Patent Term
:

The above-identified application has been forwarded to the undersigned for review of the extension information to be printed on the face of the patent. The Notice of Allowance and Issue fee due previously mailed erroneously indicated that the patent to issue from the application is eligible for a 581-day extension, when no extension is due. See 35 U.S.C. § 154(b)¹ and 37 C.F.R. § 1.701.

Issue of the above-identified application was delayed due to appellate proceedings before the Board of Appeals and Interferences, and the above-identified application has been allowed.

The above-identified application was filed on May 22, 2000. A Notice of Appeal was filed on April 22, 2002. On November 25, 2003, the Board of Appeals and Interferences reversed the decision of the examiner in the above-identified application. While the above-identified application was filed after June 7, 1995, since there is a terminal disclaimer due to the issue of another patent claiming subject matter that is not patentably distinct from that under appellate review, the patent to issue from the application is NOT entitled to an extension of the patent term.

The terminal disclaimer has been processed. The patent, if issued, will not include an indication of a patent term extension.

Telephone inquiries with regard to this communication should be directed to Mark Polutta at (703) 308-8122.

Mark Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

¹35 U.S.C. § 154 was amended by the "American Inventors Protection Act of 1999," which was enacted on November 29, 1999 as part of Public Law 106-113 (Consolidated Appropriations Act for Fiscal Year 2000). Since this amendment is effective May 29, 2000 and applies to applications filed on or after that date, the prior patent term adjustment provisions of 35 U.S.C. § 154 continue to apply to the above-identified application.